



**CITY OF MORGAN HILL**  
**COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION**

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**PLANNING COMMISSIONERS**

John Moniz, Chair  
Joseph Mueller, Commissioner  
Wayne Tanda, Commissioner  
Susan Koepp-Baker, Commissioner

Robert Benich, Vice Chair  
Jerry Dommer, Commissioner  
John McKay, Commissioner

**PLANNING COMMISSION MEETING**

**DECEMBER 13, 2011**

**CITY COUNCIL CHAMBERS  
CIVIC CENTER  
17555 PEAK AVENUE  
MORGAN HILL, CA**

**FIRST SESSION – 1:00 P.M.**

**BREAK - 5:00 P.M. – 7:00 P.M.**

**REGULAR MEETING - 7:00 P.M.**

**\*\*\* A G E N D A \*\*\***

**NOTICE TO THE PUBLIC**

*The following policies shall govern the conduct of the Planning Commission meetings:*

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
  - *Those supporting the application*
  - *Those opposing the application*
  - *Those with general concerns or comments*
  - *Presentations are limited to 5 minutes*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH  
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

**OPEN PUBLIC COMMENT PERIOD (5 MINUTES)**

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

**PUBLIC HEARINGS:**

1)      **4 Hours**      **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) PUBLIC  
HEARINGS FOR THE 2011-12 COMPETITIONS**

**APPLICANTS FOR THE FOLLOWING PROPOSED RESIDENTIAL  
DEVELOPMENTS HAVE REQUESTED A BUILDING ALLOTMENT  
UNDER THE CITY'S RESIDENTIAL DEVELOPMENT CONTROL  
SYSTEM, PURSUANT TO CHAPTER 18.78 OF THE MORGAN HILL  
MUNICIPAL CODE:**

- a)      **MEASURE C, MC-11-03: COCHRANE-BORELLO:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 244 lot single family residential development on 122.1 acres located on the north side of Peet Road, west of Half Road. (APN 728-34-026)
- b)      **MEASURE C, MC-11-05: MURPHY-KB CHELLINO:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is an eight lot single family residential development on 2.34 acres located on the east side of Murphy Avenue approximately 610 feet south of East Dunne Avenue. (APN 817-19-001)
- c)      **MEASURE C, MC-11-06: CONDIT-KB MILANO:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 44 unit single family residential development on 9.35 acres located on the east side of Condit Road and west side of Murphy Avenue north of East Dunne Avenue. (728-17-018 & 022)
- d)      **MEASURE C, MC-11-07: DIANA-KB SHERIMAR:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 92 lot single family residential development on 40.01 acres located on the south side of Diana Avenue with interior streets connecting to Bradford Way and Jasmine Way. (APN 728-18-012, 728-19-001, 002, 003, 728-20-038, 728-20-037)
- e)      **MEASURE C, MC-11-08: E. DUNNE-UCP:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 24 lot single family residential development on 5.07 acres located on the south side of East Dunne Avenue and easterly and westerly extensions of Seville Drive. (APN 817-19-043)

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- f) **MEASURE C, MC-11-09: HALE-SIGNATURE:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 108 lot single family residential development on 30.3 acres located on the east side of Hale Avenue and southerly extension of Saffron Drive. (APN 764-09-012)
- g) **MEASURE C, MC-11-10: BARRETT-KHANNA:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 24 residential unit vertical mixed use development with ground floor office and retail space located on 1.51 acres at the northeast corner of Monterey Road and Barrett Avenue. (APN 817-02-014, 015 & 016)
- h) **MEASURE C, MC-11-11: DIANA-BAGOYE:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is 52 lot single family residential development on 12.15 acres located on the north side of Diana Avenue and westerly extension of Dakota Drive. (APN 726-09-009 & 010)
- i) **MEASURE C, MC-11-12: DEL MONTE-BLACKWELL:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 42 lot single family residential development on 8.3 acres located on the east side of Hale Avenue and southerly extension of Del Monte Avenue south of Llagas Road. (APN 764-21-027, 764-20-074)
- j) **MEASURE C, MC-11-13: TILTON-UCP:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 45 lot single family residential development on 7.87 acres located on the north side of Tilton Avenue east of Burnett School. (APN 712-09-001)
- k) **MEASURE C, MC-11-15: TENNANT-GERA:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 12 lot single family residential development on 1.64 acres located at the northwest corner of Tennant Avenue and Church Street. (APN 817-04-009, 039, 049 & 054)
- l) **MEASURE C, MC-11-16: MAIN-MORGAN LANE:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is being evaluated as the final phase of the Morgan Lane residential development. The previous phases of this development consist of 86 single family residential homes on 28.34 acres. This new phase is a 12 lot single family residential project on 3.64 acres located on the north side of East Main Avenue and south side of Calle Siena approximately 400 feet east of Grand Prix Way. (APN 726-20-053)

**Recommendation:** Open/Close public hearing following receipt of public testimony for each application and direct City Staff on those categories in each project evaluation that should be given further review.

**BREAK FROM 5:00 P.M. – 7:00 P.M.**

**RECONVENE @ 7:00 P.M.**

**ORDERS OF THE DAY**

**MINUTES:** October 25, 2011 and November 8, 2011`

**OTHER BUSINESS:**

2) 5 Minutes **PC CHAIR/VICE-CHAIR SELECTION:**

**Recommendation:** Select members to serve as Chair and Vice-Chair for the remainder of a one-year term in accordance with City Council adopted policy.

**CONTINUED PUBLIC HEARINGS:**

3) 20 Minutes **DEVELOPMENT AGREEMENT AMENDMENT(S):**

Three residential projects with existing development agreements are requesting amendment to their respective agreements to extend development schedule dates and insert language allowing for participation in the City's Below Market Rate Reduction Program. The Below Market Rate Reduction Program will allow for potential elimination of the Below Market Rate units or to pay an in-lieu fee.

- a. **DAA-05-01H: MISSION VIEW-MISSION RANCH**
- b. **DAA-05-02G: COCHRANE-LUPINE**
- c. **DAA-05-07G: WRIGHT-MANANA**

**Recommendation:** Re-Open/Close public hearing and adopt resolution recommending Council approval.

4) 15 Minutes **DEVELOPMENT AGREEMENT AMENDMENT, DAA-09-02: CLAYTON-O'BRIEN:** A request for a development agreement amendment to extend the commencement of construction deadlines for one year. The project consists of 7 units on an approximately 3.6 acre parcel on Clayton Ave, north of Peebles Ave (APN 726-48-012).

**Recommendation:** Re-Open public hearing/Continue item to next Planning Commission Meeting

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**PUBLIC HEARINGS:**

- 5)      **45 Minutes**      **SUBDIVISION, SD-11-08/DEVELOPMENT AGREEMENT, DA-11-07**  
**ZONING AMENDMENT, ZA-11-15: E. DUNNE-CITY VENTURES:**  
Request for approval to rezone 3.8 net acres from CCR (Central Commercial Residential District) to PD (Planned Development with a precise development plan), subdivision map and a development agreement to allow the construction of 35 attached townhomes and 8 detached small lot single family homes for a total of 43 residential units. The subject property is located on the South East corner of E. Dunne Avenue and Church Street. The proposed development project is categorical exempt under Section 15332 of the State CEQA Guidelines-In-fill Development Projects, hence no environmental action is required. (APNs: 817-01-056 & 817-01-057)

**Recommendation:** Open public hearing/Adopt Resolutions recommending Council approval of Zoning Amendment and Development Agreement, and approving the Subdivision.

- 6)      **30 Minutes**      **ZONING AMENDMENT, ZA-11-10/SUBDIVISION, SD-11-04/**  
**DEVELOPMENT AGREEMENT, DA-11-04: WEST DUNNE-**  
**BENCHMARK:** A request for the development of a 19 unit residential project (plus a secondary dwelling) on a vacant area of land including a zoning amendment to adopt a precise development plan for a Planned Development, tentative map approval to subdivide 14 lots (5 lots previously approved), and approval of a development agreement for the project. The project is located on 2.65 acres between W. Dunne Avenue and the northern terminus of Lone Hill Drive and zoned R2 3,500 RPD. A Mitigated Negative Declaration is proposed. (APNs 767-12-056, -058, & -059)

**Recommendation:** Open public hearing/Adopt Resolutions recommending Council approval of Zoning Amendment and Development Agreement, and approving the Subdivision.

- 7)      **20 Minutes**      **USE PERMIT, UP-11-03: ROLLING HILLS-AT&T:** A request for the approval of a conditional use permit to install and operate a wireless telecommunications facility. The applicant proposes to install a 50' monopole mounted with 12 antennas and other associated equipment and 5 equipment cabinets located at ground level. The project is located at 2275 Rolling Hills Dr in an Open Space zoning district (APN 764-02-003). The project is categorically exempt under Section 15303 of the State CEQA Guidelines.

**Recommendation:** Open public hearing/Adopt Resolution approving the conditional use permit

- 8)      **20 Minutes**      **USE PERMIT, UP-11-07: CHURCH - LEARNING & LOVING**  
**EDUCATION CENTER:** The applicant is requesting approval of a conditional

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use permit to operate an educational, training and preschool facility within two existing buildings located at 16890 Church Street, Suites 16 and 16A. The buildings are part of the South County Industrial Park located on an eight acre parcel and zoned ML, Light Industrial (APN 817-01-042).

**Recommendation:** Open public hearing/Adopt Resolution approving conditional use permit

### **OTHER BUSINESS:**

### **TENTATIVE AGENDA FOR THE DECEMBER 15, 2011 MEETING:**

- Continuation of December 13, 2010 RDCS applications if necessary

### **THE DECEMBER 27, 2011 PLANNING COMMISSION MEETING HAS BEEN CANCELLED**

- The next regular scheduled meeting will be on January 10, 2012

### **TENTATIVE AGENDA FOR THE JANUARY 10, 2012 MEETING:**

- GPA-11-03/EA-11-09: Butterfield-Butterfield Inv
- GPA-11-05: City of MH-Downtown Specific Plan-Zoning Text & Block 18
- SD-11-11/DA-11-10/ZA-11-18/EA-11-15: Del Monte-Blackwell
- SD-11-12: Murphy-Milano
- UP-11-06: Monterey-Azar
- RDCS Final Project Evaluations
- Policy regarding Transfer of FY Building Allotments between projects

### **ANNOUNCEMENTS:**

### **CITY COUNCIL REPORTS**

### **ADJOURNMENT**

### **SPEAKER CARD**

*If you wish to address the Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Deputy City Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Commission, but it is very helpful. As you are called, please walk to the podium to be recognized by the Chairperson. Please speak directly into the microphone while making your comments. Please limit your remarks to three (3) minutes.*

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**NOTICE**  
**AMERICANS WITH DISABILITY ACT (ADA)**

*The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.*

*If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.*

**NOTICE**

*NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.*

**NOTICE**

*The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.*

**NOTICE**

*All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the Planning Commission less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the Planning Commission. (Pursuant to Government Code 54957.5)*